

Warrick County Ordinance #2013- 19

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS
OF WARRICK COUNTY AMENDING SPECIFIC PORTIONS OF CHAPTERS 37, 130,
131 and 134 OF THE CODE OF ORDINANCES**

WHEREAS, Chapter 37 entitled "Funds and Fees", Section 18 entitled "Vital Records Fees" of the Code of Ordinances currently sets forth certain fees the Warrick County Department of Health can charge for the certified vital records which they provide to members of the community; and

WHEREAS, Chapter 37.18, Subsections (A) entitled "Birth Record Fees" and (B) entitled "Death Record Fees" currently provide for charges in the amount of Ten Dollars (\$10.00) for the provision of certified copies of said records; and

WHEREAS, the Warrick County Department of Health has shown good cause for increasing said fees due to administrative costs associated with the provision of the services identified in § 37.18(A) and (B) and records and with respect to § 37.18(B) good cause has been shown in reference to the distribution of funds as addressed therein; and

WHEREAS, Chapter 130 entitled "Private Sewage Disposal Systems", Section 04 entitled "Permits and Inspections", Subsections (A) and (C) of the Code of Ordinances currently sets forth certain requirements, fee and permit durations concerning installation of, alteration, repair or addition to any private sewage disposal system; and

WHEREAS, the Warrick County Department of Health has shown good cause for increasing said fee due to administrative costs associated with the requirements and provision of the services identified in § 130.04(A) and has shown good cause for the increase in the duration or life of said permits due to economic concerns involving the "Great Recession" and the current state of economic recovery; and

WHEREAS, Warrick County is showing increased activity and prevalence in mobile food establishments as defined by 410 IAC 7-24-55 and therefor a need for inspection and permitting has arisen.

**IT IS THEREFORE ORDAINED BY THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA, AS FOLLOWS:**

1. Chapter 37 of the Warrick County, Indiana Code of Ordinances entitled "Funds and Fees", Section 18 entitled "Vital Records Fees.", Subsections (A) entitled "Birth Record

Fees.” and (B) entitled “Death Record Fees.” are hereby amended by increasing the fees as set forth below for the specifically identified records and shall read as follows:

“§ 37.18 VITAL RECORDS FEES.

(A) *Birth Record Fees.* A fee of \$15.00 for the first certified copy of a birth record shall be required per order with all subsequent copies within the same order being \$10.00 per copy. All funds hereunder shall be collected by the Health Officer and shall become a part of the Warrick County Health Fund.

(B) *Death Record Fees.* A fee of \$15.00 for the first certified copy of a death record shall be required per order with all subsequent copies within the same order being \$10.00 per copy. The funds shall be collected by the Health Officer with the first Two Dollars (\$2.00) of the funds received from each copy hereunder being deposited in accordance with I.C. 16-37-1-9(b) (coroners continuing education fees) and the balance of the funds collected by the Health Officer shall become a part of the Warrick County Health Fund.”

2. The remaining portions of § 37.18 not expressly amended herein shall remain unaffected.
3. Chapter 130 entitled “Private Sewage Disposal Systems”, Section 04 entitled “Permits and Inspections.”, Subsections (A) and (C) of the Warrick County, Indiana Code of Ordinances are hereby amended and shall read as follows:

“§ 130.04 PERMITS AND INSPECTIONS.

(A) Before commencement of construction of any building or residence, or before location of a mobile home on a plot of ground where a private sewage disposal system or privy is to be installed, or where any alteration, repair, or addition to an existing private sewage disposal system is planned, the owner or agent shall first obtain a written permit signed by the County health Officer. The application for such permit shall be made on a form provided by the County Board of Health, which application shall be supplemented by any plans, specifications and other information as is deemed necessary by the County Health Officer and a One Hundred Dollar (\$100.00) fee paid to the County Health Department at the time the application is filed.”

“(C) A private sewage disposal permit shall be effective for a period of two (2) years from the date of issuance. A private sewage disposal system must be installed in compliance with this chapter before the residence which it serves can be occupied.”

4. The remaining portions of § 130.04 not expressly amended herein shall remain unaffected.
5. Chapter 134 entitled "Food Establishments", Section 01 entitled "Definitions.", of the Warrick County, Indiana Code of Ordinances is hereby amended by the addition of the a new subsection "(5)" which shall read as follows:

"(5) MOBILE FOOD ESTABLISHMENT. A retail food establishment that is:

- (i) wheeled;
 - (ii) on skids;
 - (iii) mounted on a vehicle;
 - (iv) a marine vessel; or
 - (v) otherwise readily movable;
- such as a pushcart or trailer."

6. Chapter 134 entitled "Food Establishments", Section 01 entitled "Definitions.", Subsection B of the Warrick County, Indiana Code of Ordinances is hereby repealed in its entirety and amended as follows:

"(2) FOOD ESTABLISHMENTS. Any establishment serving food, beverages, retail food markets, and vending machines for potentially hazardous food and beverages. The term "Food Establishments" shall include "mobile food establishments for purposes of § 134.03 *et seq.*

7. Chapter 134 entitled "Food Establishments", Section 02 entitled "Permits and Permit Fees.", Subsection (B) of the Warrick County, Indiana Code of Ordinances are hereby amended and shall read as follows:

"§ 134.02 PERMITS AND PERMIT FEES.

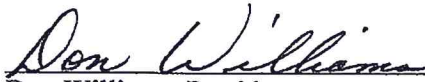
(B) Permit Fees. A fee of Seventy-Five Dollars (\$75.00) for each permit shall be required for each food establishment with five (5) or fewer employees. A fee of One Hundred Dollars (\$100.00) for each permit shall be required for each food establishment with six (6) through twenty-five (25) employees. A fee of One Hundred Twenty-Five Dollars (\$125.00) for each permit shall be required for each for establishment with twenty-six (26) through fifty (50) employees. A fee of One Hundred Fifty Dollars (\$150.00) for each permit shall be required for each food establishment with fifty-one (51) or more employees. A late fee of Fifty Dollars (\$50.00) will be applied after March 1 in the year the fee was due if unpaid by the fee due date identified. A minimum of Seventy-Five Dollars (\$75.00) per year shall be paid for a permit for the first twelve (12) vending machines of potentially hazardous foods operated as a unit by anyone person or company. An additional fee of Ten Dollars (\$10.00) shall be paid for each such vending machine over twelve (12) in each vending unit. All permits shall be collected by

the Health Officer and shall become a part of the County Health Fund. A fee of Seventy-Five Dollars (\$75.00) for each permit shall be required for each mobile food establishment. After June 30, the required fee for each mobile food service establishment will be Fifty Dollars (\$50.00)."

8. This ordinance, amending the Code of Ordinances of Warrick County, Indiana, will become effective thirty (30) days after publication.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, STATE OF INDIANA THIS 22ND DAY OF JULY, 2013.


BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA


Don Williams, President


Marlin Weisheit, Vice President


Richard Reid, Commissioner

ATTEST:


L.B. Dugan, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:


S. Adam Long
LONG & MATHIES LAW FIRM
A Professional Corporation
County Attorney